

3171. Adulteration and misbranding of Scuppernong wine. U. S. v. 5 Cases of Scuppernong Wine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5320. S. No. 1915.)

On August 29, 1913, the United States Attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases of so-called Scuppernong wine, remaining unsold in the original unbroken packages and in possession of August J. Stieber, Detroit, Mich., alleging that the product had been shipped on August 6, 1913, and transported from the State of Ohio into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "A. Textor and Co., Sandusky, Ohio. Scuppernong Wine." (On retail packages) "Scuppernong Wine." Each of said labels was also embellished with pictorial representations of bunches of grapes.

It was alleged in the libel that the product was misbranded in violation of section 8, first general paragraph, of the Food and Drugs Act, and also in violation of paragraphs 1 and 2, under the classification of "Food," in said act. It was also alleged that the product was adulterated in violation of section 7 of said act and of paragraphs 1 and 2 under "Food" in said act, an examination of samples of the product by the Bureau of Chemistry of the Department of Agriculture having revealed that the product was not Scuppernong wine but consisted of an imitation wine made in whole or in part by the fermentation of starch sugar which had been mixed and packed with Scuppernong wine in such a manner so as to reduce and lower and injuriously affect its quality and strength. It was also alleged that the 5 cases of the product, by the label contained on said cases, were labeled and printed so as to deceive and mislead the purchaser thereof, and said product was adulterated in that a substitution had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, and that a substance had been substituted in part for the article, an analysis of said product disclosing the fact that it was an imitation of Scuppernong wine made in whole or in part from the fermentation of starch sugar which had been mixed and packed with and substituted for Scuppernong wine as aforesaid.

On October 20, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 26, 1914.

3172. Adulteration and misbranding of oil of lemon. U. S. v. 20 Packages of So-called Oil of Lemon. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5321. S. No. 1916.)

On September 2, 1913, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 packages of so-called oil of lemon, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by the Sethness Co., Chicago, Ill., and transported from the State of Illinois into the Commonwealth of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Standard Quality Oil of Lemon Optical Rotation at 15° Net Weight 25 lbs. Guaranteed under the Food and Drugs Act of June 30, 1906, by Sethness Company, Chicago."

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, a mixture of washed lemon oil and citral, had been mixed

and packed with said food so as to reduce, lower, and injuriously affect its quality and strength; and, further, for the reason that a substance, to wit, a mixture of washed lemon oil and citral, had been substituted in part for said food. Misbranding was alleged for the reason that the package and label of the product bore a certain statement, design, and device regarding said food and the ingredients and substances contained therein which was false and misleading, that is to say, the words "Standard Quality Oil of Lemon" which appeared thereon, because said words would lead a purchaser to believe that said food was oil of lemon, whereas, in truth and in fact, it was not.

On October 17, 1913, the case having come on for a hearing, and the said Sethness Co., claimant, not objecting thereto, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be released and delivered to said claimant upon payment of the costs of the proceedings, which amounted to \$36.74, and the execution of bond in the sum of \$2,000, in conformity with the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 26, 1914.

3173. Adulteration of ice cream cones. U. S. v. 34 Boxes of Ice Cream Cones. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5322. S. No. 1917.)

On August 30, 1913, the United States Attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 34 boxes of ice cream cones, each purporting to contain 96 cones, remaining unsold in the original unbroken packages and in possession of the Clover Leaf Creamery, Boulder, Colo., alleging that the product had been shipped on or about May 31, 1913, and transported from the State of Massachusetts into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Miner's Ice Cream Cones are made from pure materials in a clean, sanitary, daylight factory and are always fresh and crisp and 'Fit to Eat.' Be sure to specify Miner's 'Fit to Eat' Cones. The Guaranteed kind. See that every box bears our trade mark shield. Colored with Harmless Legal Coloring." "Miner's 'Fit to Eat' Brand Ice Cream Cones. These cones are made in a clean, daylight factory, and are pure and wholesome, and 'Fit to Eat'" (Trade mark shield bearing pictorial devices and the words "Purity and Strength.") "Miner's Fruit Nectar Co. Guaranteed by Miner's Fruit Nectar Co. Under The National Pure Food Law Enacted June 30, 1906. Serial No. 1836. Miner's Fruit Nectar Co. 134 Fulton St., Boston, Mass. Makers of natural Fruit Flavors and Specialties. Miner's Cream Puff for Improving Ice Cream."

Adulteration of the product was alleged in the libel for the reason that each of the cones contained an injurious ingredient known as saccharin, which had been substituted for sugar, thus injuriously affecting the quality and strength of the article, and rendering the cones injurious to health. Adulteration was alleged for the further reason that a deleterious ingredient known as saccharin had been added to the ingredients from which said cones had been made and thereby the quality of the cones had been reduced and lowered and rendered injurious to health.

On October 4, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 26, 1914.